

**Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833**

March 27, 2012

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, the Board of Chiropractic Examiners (hereafter "Board") is providing notice of changes made to proposed regulation section 302.5 which was the subject of a regulatory hearing on March 13, 2012. These changes are in response to comments received regarding the proposed regulation.

A copy of the modified text is enclosed and is also available on the Board's web site at www.chiro.ca.gov. Any person who wishes to comment on the proposed modifications may do so by submitting written comments between March 28, 2012 and April 11, 2012. All written comments must be submitted to the Board no later than 5:00 p.m. on April 11, 2012, and addressed to:

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All written comments received by April 11, 2012, which pertain to the indicated changes will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

Dated: 03/27/12



ROBERT PULEO, Executive Officer
Board of Chiropractic Examiners

Board of Chiropractic Examiners
Modified Proposed Regulatory Language for the Use of Lasers
California Code of Regulations, Title 16, Division 4, Article 1
15-Day Comment Period

Modified Text: Additions to the originally proposed language are shown in bold italics for the new text and deletions to the originally proposed text are shown by double strikeout.

§ 302.5. Use of Laser

(a) A duly licensed chiropractor and any person under their direct or indirect supervision, as defined in section 312, shall:

(1) Not use any laser in the practice of chiropractic which has not been properly approved or cleared by the United States Food and Drug Administration (FDA).

(2) Not market or advertise the use of a laser or use a laser for purposes other than treatment consistent with section 302 and the product's FDA approval or clearance.

(3) Follow the manufacturer's specified guidelines for the safe use of laser.

(4) Comply with all state and federal laws governing the use of lasers in clinical settings.

(b) Nothing in this section shall be construed to authorize the use of a laser by a chiropractor outside of the chiropractic scope of practice. This includes, but is not limited to, laser ablation or surgical procedures, and laser treatment of allergies ~~in cases where there is a known risk of anaphylactic reaction to the individual being treated.~~

(c) Any violation of this section may constitute unprofessional conduct and the licensee shall be subject to discipline by the Board.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. 1xxxviii)).
Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. 1xxxviii)).